

PLANNING DEPARTMENT

Mr C G B Barnard MSc Dip TP MRTPI
 Chief Planning Officer
 Dacorum Borough Council
 Civic Centre
 Marlowes
 Hemel Hempstead
 Herts HP1 1HH



To P J Fountaine
 27 Castle Street
 Berkhamsted

TP Ref: 4/1671/87D

Dear Sir

Your application dated 9 October 1987 has been considered under the provisions of s.53 of the Town and Country Planning Act 1971, to determine whether planning permission is required in respect of an extension to storage building at Warehouse, Berkhamsted Brick Co Ltd Premises, Shootersway Berkhamsted

You are hereby given notice that the proposals set out therein ~~do/do not~~ constitute development within the meaning the the said Act, ~~and therefore/but~~

(a) planning permission must be obtained before any such proposals can be carried out

(b) ~~do not require the permission of the local planning authority.~~

The grounds for this determination are as follows:

- (a) The external appearance of the premises would be materially affected.
- (b) The proposed development would be contrary to a condition imposed on planning permission W/1801/58 relating to the use for storage purposes of land outside the original buildings.

Dated 2.2.88

Yours faithfully

Chief Planning Officer

(See notes on reverse)

PD.14 (Rev)

NOTES

1. Any person who desires to appeal -

- (a) against a determination of the local planning authority under s.53 of the Act; or
- (b) on the failure of a local planning authority to give notice of their decision or determination or of the reference of the application to the Secretary of State,

shall give notice of appeal to the Secretary of State within six months of notice of the decision or determination or of the expiry of the appropriate period allowed under Article 7(6) of the Town and Country Planning General Development Order 1977 as amended, for giving such notice (ie 8 weeks from date of receipt of application by Local Planning Authority), as the case may be, or such longer period as the Secretary of State may at any time allow. The notice shall be given in writing, addressed to The Secretary of State for the Environment, Tollgate House, Houlton Street, Bristol BS2 9DJ.

2. Such person shall also furnish to the Secretary of State a copy of the following documents:-

- (i) the application;
- (ii) all relevant plans, drawings, particulars and documents submitted with the application;
- (iii) the notice of the decision or determination, if any;
- (iv) all other relevant correspondence with any local planning authority.



DEPARTMENT OF THE ENVIRONMENT

Room TX 107

Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct Line 0272-218

Switchboard 0272-218811

GTN 2074

1374

630

Council's Ref: 4/1671/87D

Mr P J Fountaine
27 Castle Street
BERKHAMSTEAD
Herts
HP4 2DW

PLANNING DEPARTMENT
DACORUM DISTRICT COUNCIL

Your reference

Our reference

APP/G/88/A1910/001

Date

28 OCT 88

31 OCT 1988

Comments

Sir

TOWN AND COUNTRY PLANNING ACT 1971 - SECTION 53
LAND AT SHOOTERSWAY BRICKFIELD, SHOOTERSWAY, BERKHAMSTED, HERTS
APPEAL BY YOURSELF

1. I am directed by the Secretary of State for the Environment to refer to your appeal against the determination, given under section 53 of the Town and Country Planning Act 1971 by the Dacorum Borough Council, that the proposal to extend an existing brick built warehouse situated on the above-mentioned land would constitute or involve development for which an application for planning permission is required under Part III of the 1971 Act.

REASONS FOR THE DECISION

2. An officer of the Department has visited the site and has considered the written representations made in support of the appeal and those of the Council. A copy of his report is appended to this letter.
3. The Secretary of State, having also considered the representations of the parties, agrees with the officer's conclusions in paragraphs 9 to 15 of his appraisal. For the reasons given by the officer, the view is taken that the proposed extension cannot benefit from the provisions for "permitted development" in Article 3 of, and in Class XXVIII of Schedule 1 to, the Town and Country Planning General Development Order 1977, as amended (the GDO), and as applied by the Town and Country Planning (National Parks, Areas of Outstanding Natural Beauty and Conservation Areas, etc.) Special Development Order 1985, as amended (the SDO). Since the development is not considered to fall within any of the other classes set out in Schedule 1 to the GDO, as applied by the SDO, it is not therefore permitted by the Town and Country Planning General Development Orders 1977 to 1988. Accordingly your appeal under section 53 of the 1971 Act fails.

FORMAL DECISION

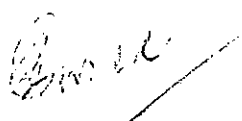
4. For the reasons given above, the Secretary of State dismisses your appeal and hereby determines under section 53 of the 1971 Act that the proposal to extend an existing brick built warehouse situated on land at Shootersway Brickfield, Shootersway, Berkhamsted, Herts, would constitute or involve development of the land, and that an application for planning permission in respect thereof is

required under Part III of the 1971 Act, having regard to the provisions of the Town and Country Planning General Development Orders 1977 to 1988 as applied by the Town and Country Planning (National Parks, Areas of Outstanding Natural Beauty and Conservation Areas, etc.) Special Development Orders 1985-86.

RIGHT OF APPEAL AGAINST DECISION

5. This letter is issued as the Secretary of State's determination of the appeal, but section 247 of the 1971 Act provides that an appeal against the decision may be made to the High Court on a point of law. Any appeal must be made within 28 days of the date of receipt of this letter (unless a successful application is made to the Court for the period to be extended).

I am Sir
Your obedient Servant



P PASCOE
Authorised by the Secretary of State
to sign in that behalf



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